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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TERRENCE DAVIS,

 Plaintiff,

 MICHAEL J. ASTRUE, Commissioner of
 Social Security

 Defendant.

No. C 06-6108 MHP
 No. C 09-980 MHP

E-FILING CASE

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING DISCOVERY
 AND FURTHER BRIEFING
 SCHEDULE**

JOHN DOE,

 Plaintiff,

 v.

 MICHAEL J. ASTRUE, Commissioner of
 Social Security

 Defendant.

1 Pursuant to the Court's instructions at the hearing on Plaintiffs' Motions for Partial
2 Summary Judgment on November 1, 2010 and subject to the approval of the Court, the parties
3 hereby submit this Stipulation and Order regarding a schedule for further briefing and discovery
4 as follows:

5 1. The parties agree that any further discovery and summary judgment briefing
6 should be bifurcated into two phases. The parties agree that discovery and briefing in the first
7 phase shall focus on the following issues: (i) that Plaintiffs lack standing to bring their claims;
8 (ii) that Plaintiffs' claims are barred by the applicable statute of limitations; and (iii) that the
9 Court lacks jurisdiction to award Plaintiffs' requested remedies (collectively, "First Phase
10 Issues"). In the second phase, the parties agree that discovery and summary judgment briefing
11 should focus on Plaintiffs' requested remedies and whether the requested remedies constitute an
12 undue burden or a fundamental alteration on Defendant.

13 2. As to the first phase, discovery regarding First Phase Issues will close on January
14 28, 2011 for all parties.

15 3. Regarding such discovery, the parties agree that Defendant will take the
16 deposition of each Plaintiff. The parties also agree that the following accommodations should be
17 made for each Plaintiff: (i) the depositions shall not take place in the U.S. Attorney's Office but
18 in a room elsewhere in the federal building; (ii) each Plaintiff shall be entitled to be accompanied
19 by counsel as well as an individual of their choosing who can provide psychological support but
20 shall not interfere with the examination; and (iii) each Plaintiff will be entitled to take as many
21 breaks as necessary with the understanding that each Plaintiff's need for breaks might mean that
22 their deposition may not be completed in a single a day.

23 4. Defendant shall file an opening brief addressing First Phase Issues on February
24 25, 2011.

25 5. Plaintiffs shall file an opposition brief addressing First Phase Issues on March 18,
26 2011.

27 6. Defendant shall file a reply brief addressing First Phase Issues on April 1, 2011.

28 7. A hearing on the briefing specified above shall take place on April 18, 2011 at

2:00 p.m. or such other time as the Court may set.

8. With respect to the second phase, which shall focus on Plaintiffs' requested remedies and whether the requested remedies constitute an undue burden or a fundamental alteration on Defendant, the parties agree that it would be premature to propose a schedule for discovery and briefing until the Court rules on the First Phase Issues. However, the parties agree to meet and confer regarding such a schedule immediately following a ruling or further guidance from the Court regarding the First Phase Issues.

9. The parties reserve their right to seek enlargements of time, as may be required.

Respectfully submitted,

MELINDA HAAG
United States Attorney

Dated: November 15, 2010

/s/
MICHAEL T. PYLE
Assistant United States Attorney

Dated: November 15, 2010

/s/
STEVEN F. BRUCE
Attorney for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The Court, having considered the stipulation of the parties, approves the schedule set forth above.

DATED: 11/16/2010

